



NEW JERSEY

DEPARTMENT OF AGRICULTURE

2014 Information for Nurseries and Plant Dealers

**New Jersey Department of Agriculture
Division of Plant Industry
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SUMMARY OF NEW JERSEY DEPARTMENT OF AGRICULTURE LAWS GOVERNING THE SALE AND SHIPMENT OF NURSERY STOCK IN NEW JERSEY

I. Definitions

Commercial shipment: A shipment for gain or profit.

Dealer: A person who purchases nursery stock from other certified nurserymen and offers such stock for sale at a retail outlet or through landscaping services.

Federal Phytosanitary Inspection: The examination of plant materials to determine freedom from plant pests and diseases for those persons desiring to ship plants or plant products to another country and the issuance of a USDA APHIS PPQ inspection certificate.

Postentry Quarantine Inspection: The examination of imported plant materials over a period of two growing seasons to ensure freedom from exotic plant pests and diseases.

Persons wishing to import and grow federally regulated plants must apply to the USDA APHIS PPQ for screening and a postentry permit.

Low value commercial shipment: A shipment accompanied by an invoice which states that the items being shipped are worth less than \$1250.

Non-commercial shipment: A shipment not for gain or profit.

Nursery: All lands, premises and buildings upon, or in which plants, trees, shrubs or vines of any kind, whether for fruit, shade or ornament, are grown for sale within the State or for shipment to other states or countries.

Nursery stock: All plants, shrubs, trees and vines grown for sale, as well as buds, grafts, stocks, scions and other parts of plants, shrubs, trees and vines that may be sold for propagation; but shall not include herbaceous annuals or plants, flowers, vines or cuttings grown under glass and commonly known as florists stock.

Nurseryman: Any person, firm, co-partnership or corporation growing plants,

trees, shrubs or vines for sale or dealing in such stock, whether he/she or they be owners, lessees or tenants of or on the premises upon which the stock is grown or offered for sale.

Reinspection: An inspection of a location in a nursery, previously inspected by the Department during the current growing season, found to be infested/infected with insect pests or plant diseases, for the purpose of determining whether pest problems found earlier have been controlled by the nurseryman.

II. Summary of Regulations

In Accordance with Chapter 7, Title 4 of the Revised Statutes of the State of New Jersey, the Department of Agriculture shall examine and inspect at least once in each year, with or without notice to the nurseryman, all nurseries or establishments of all dealers in nursery stock, to ascertain whether the stock grown on or sold from is free from injurious insects and plant diseases. After any nursery has been inspected and found to be free of dangerously injurious insects and plant diseases, the Department shall issue a certificate to that effect.

If the inspection shows the presence of dangerously injurious insects and plant diseases, the Department shall require the nurseryman to control the infestations or diseases, or to destroy the infested/infected stock, and to treat that exposed to infestation/infection in the manner necessary to render the insects or plant diseases harmless and the stock safe.

No nurseryman shall sell or offer for sale any nursery stock within New Jersey or deliver within the State until it has been inspected by the Department and a certificate issued.

Every nurseryman growing stock within the State, and every dealer in nursery stock, shall attach to every package, box, or container of nursery stock sent out or delivered by him, a written or printed copy of the certificate issued to him by the Department.

All nursery stock originating outside of New Jersey and shipped into New

SUMMARIZATION OF NEW JERSEY NURSERY LAWS (CONTINUED)

Jersey must be accompanied by a certificate, or by a written or printed copy of the certificate, attached to each package, box or container, stating that the stock to which the certificate is attached has been inspected and certified to be free from dangerously injurious insects and plant diseases by an authorized official of the state where the stock was grown.

Each dealer of nursery stock in the State is required to apply to the New Jersey Department of Agriculture for a dealer's certificate. The dealer is required to inform the Department of the sources of his nursery stock, and if the Department is satisfied that the nursery stock obtained from these sources is free of dangerously injurious insects and plant diseases, a dealer's certificate is issued. It is unlawful for any dealer in nursery stock within the state to sell or offer for sale or to deliver any nursery stock unless a copy of the current dealer's certificate is attached to the stock.

It is the duty of all growers of plants or dealers in plants of any kind, upon their own or upon leased lands or premises, to keep all plants grown, cultivated or dealt in by them, free from all dangerously injurious insects and plant diseases.

III. Certificate and Inspection Fees

Nursery Certification - Nursery certificates expire December 31. Inspections are conducted annually. The following fee schedule shall apply to all nursery inspections conducted by the New Jersey Department of Agriculture:

<u>ACRES</u>	<u>FEE</u>
0 to 2.00	\$75.00
2.00 or more	\$75.00 plus \$4.00 for each acre or part there of

The nurseryman shall be entitled to one reinspection at no additional charge, if necessary, at each location within 14 days following the "control by" date listed on the nursery inspection report.

Fees for additional reinspections of a nursery location, due to failure on the

SUMMARIZATION OF NEW JERSEY NURSERY LAWS (CONTINUED)

part of the nurseryman to control such insect pests or plant diseases as prescribed on the nursery inspection report, shall be assessed for each location reinspected using the fee schedule in N.J.A.C. 2:18-1.2(a) (as listed above).

The Department reserves to right to waive reinspection charges if in the opinion of the Director of the Division of Plant Industry, the failure to successfully control pest problems was a result of pest biology, resistant pest strains, adverse weather conditions or other extenuating factors.

Dealer Certification - Plant dealer certificates expire December 31. Inspections are conducted annually. Fees for inspection of dealers shall be \$75.00. Dealers with more than one place of business in the State shall be charged an additional \$75.00 for each location.

Phytosanitary Certification - Inspections shall be made upon request. There shall be a \$50.00 fee for each federal or special phytosanitary inspection of a commercial shipment necessary for the issuance of a phytosanitary certificate. There shall be a \$20.00 fee for each federal or special phytosanitary inspection of a non-commercial or low value commercial shipment necessary for the issuance of a phytosanitary certificate. Fees for phytosanitary inspections carried out for other governmental agencies shall be waived.

Postentry Quarantine Inspection Fee - There shall be a \$50.00 fee for each inspection of a commercial (high value) shipment and a \$20.00 fee for a non-commercial (low value) shipment of imported federally regulated plant material for approved permittees.

Method of payment - All nursery and dealer fees shall be payable within 30 days of receipt of invoice. Failure to pay the fee shall result in the assessment of penalties pursuant to N.J.S.A. 4:7-26 and the revocation of nursery certification.

Late fee - A fee of \$5.00 will be assessed if payment is not received within 15 days of the due date printed on the original invoice.

SUMMARIZATION OF NEW JERSEY NURSERY LAWS (CONTINUED)

IV. State Quarantines

GOLDEN NEMATODE (Globodera rostochiensis)

States regulated - Infested portions of New York and Canada

Commodities regulated - Soil, sod and sand

Restrictions - No soil, including sod, and sand, shall be moved from any area known to be infested with Golden Nematode, into the State of New Jersey, except when fumigated by an approved method and certified as such, or except to laboratories approved by the Deputy Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture for such purposes as set forth in the federal regulation regarding interstate movement of soil samples containing Golden Nematode for processing, testing or analysis, 7 CFR s. 301.85-3(b).

WHITE PINE BLISTER RUST (Cronartium ribicola Fisher)

States regulated - All

Commodities/articles regulated - Plants of all species of Ribes and Grossularia.

Restrictions - Ribes nigrum is prohibited statewide. The movement of all other species of Ribes sp. and Grossularia sp. is prohibited into the following townships: Montague, Sandyston, Walpack and Vernon in Sussex County; West Milford, Ringwood and Wanaque in Passaic County; Jefferson in Morris County. Selected cultivars of Ribes nigrum are allowed under special permit issued by the Department of Agriculture.

SUMMARIZATION OF NEW JERSEY NURSERY LAWS (CONTINUED)

CERIFERUS (OR JAPANESE) WAX SCALE (Ceroplastes ceriferus F.)

States regulated - All

Commodities/articles regulated - Infested hosts of Ceriferus (or Japanese) Wax Scale

Restrictions - The importation of the Ceriferus (or Japanese) Wax Scale is prohibited.

MEDITERRANEAN FRUIT FLY (Ceratitis capitata)

States regulated - All

Commodities/articles regulated - Infested hosts of the Mediterranean Fruit Fly

Restrictions - The harboring or importation of the Mediterranean Fruit Fly is prohibited.

AFRICANIZED HONEYBEE (Apis mellifera scutellata)

States regulated - All

Commodities/articles regulated - Africanized honeybees, fresh or frozen bee sperm, equipment, shipping and storage containers that have been used at an apiary, unprocessed comb, vehicles that have been used to carry Africanized honeybees

Restrictions - The keeping or importation of Africanized Honeybees in any stage of development, including honeybees with characteristics identifiable with the subspecies (Apis mellifera scutellata), regardless of the purity of the genetic strains of the bees, fresh or frozen bee sperm, equipment, shipping and storage containers that have been used at an apiary, unprocessed comb, vehicles that have been used to carry regulated articles, other than fresh or frozen bee sperm, is prohibited.

SUMMARIZATION OF NEW JERSEY NURSERY LAWS (CONTINUED)

KHAPRA BEETLE (Trogoderma granarium Everts)

States regulated - All

Commodities/articles regulated - Any product or building infested with Khapra Beetle

Restrictions - The harboring or importation of the Khapra Beetle is prohibited. Any building, product or means of conveyance of any character whatsoever, which, if in the determination of the Department of Agriculture, presents a risk of the spread of the Khapra Beetle, shall be subject to the measures of control allowed by the Statutes of New Jersey.

V. Plant Certification Requirements

NURSERY STOCK SHIPPED INTO NEW JERSEY

States regulated - All

Commodities/articles regulated - All plants, shrubs, trees and vines grown for sale, as well as buds, grafts, stocks, scions and other parts of plants, shrubs, trees and vines that may be sold for propagation; but shall not include herbaceous annuals or plants, flowers, vines or cuttings grown under glass and commonly known as florists stock.

Restrictions - All nursery stock originating outside of New Jersey and shipped into New Jersey must be accompanied by a certificate, or by a written or printed copy of the certificate, attached to each package, box or container, stating that the stock to which the certificate is attached has been inspected and certified to be free from dangerously injurious insects and plant diseases by an authorized official of the state where the stock was grown. The requirement listed above may be satisfied if the nurseryman or plant dealer appears in a current listing of certified nurseries and nursery dealers provided

SUMMARIZATION OF NEW JERSEY NURSERY LAWS (CONTINUED)

by the resident state.

VEGETABLE PLANTS

States regulated - All

Commodities Regulated - Vegetable plants

Restrictions - Plants must be certified to have been grown under an official certification program or to have been inspected and found free of insects and disease no more than 5 days prior to removal from soil.

ROSE PLANTS - Virus diseases

States regulated - All

Commodities regulated - Plants of the genus Rosa sp.

Restrictions - Rose plants shipped into New Jersey must be accompanied by a certificate stating that the plants were inspected during the growing season and were found visibly free of plant viruses.

Shipping Nursery Stock:

The Plant nursery and landscape industry remains the leading sector of the agricultural industry in New Jersey.

Nurseries are required by New Jersey law to control injurious insects and plant diseases, and plant dealers must agree to purchase stock only from certified nursery sources.

Many nurseries, landscape firms and garden centers in New Jersey are exploring new marketing opportunities, including Internet-based marketing. If you plan to ship nursery stock to other states or countries, please contact the Division of Plant Industry prior to shipping for the latest regulatory information.

The shipping requirement for individual state may be found at National Board website. The laws and regulations for each of the United States and Dominions may be found at: **<http://nationalplantboard.org/laws/index.html>**



State of New Jersey

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DOUGLAS H. FISHER
Secretary

Phytosanitary Inspections: PCIT

Effective December 1, 2012, the Division of Plant Industry is changing the procedure by which commercial State and Federal Phytosanitary Inspection requests will be accepted and administered. Requests for inspections and payments must be made electronically through the United States Department of Agriculture-sponsored Phytosanitary Certificate Issuance & Tracking System (PCIT) website, which can be accessed at the following web address: <https://pcit.aphis.usda.gov/pcit>

Federal administration of this program requires that any broker or shipper sending plant material within or outside of the United States of America, register and create a fee account in the system at their website: <https://pcit.aphis.usda.gov/pcit>.

There is no change in fees - State inspection fees will remain at \$50.00 for each State and or Federal Phytosanitary Certificate of a commercial shipment exceeding a \$1,250.00 value, and \$20.00 for each phytosanitary certificate of a non-commercial or low value commercial shipment.

Federal regulations require an administrative fee also be paid to the United States Department of Agriculture for Federal Certificates. The fee for an electronic certificate is \$6, and \$12 for a traditional paper certificate. These fees apply only to Federal Phytosanitary Certificates. No administrative fees are charged for State Phytosanitary Certificates.

This new procedure eliminates the need for separate payments to the USDA for the administrative fee, and to the NJDA for the inspection service. Sufficient funds to cover inspection and/or administrative fees must be deposited in your PCIT account prior to contacting our office for inspection services. Fees may be deposited in your PCIT account via check, money order, credit card or debit card.

To ensure timely processing of your phytosanitary requests, please notify our office at (609) 406-6939, upon the completion of an application for inspection through the PCIT system. A minimum of two (2) business days will be required prior to the anticipated shipping date of the plant material. Thank you for your consideration in this matter.

Sincerely,

Galen Ettinger
Entomologist 1,
Nursery Program Supervisor



State of New Jersey

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Vegetable Transplant Regulations

In order to protect the agricultural industries of New Jersey, the New Jersey Department of Agriculture, Division of Plant Industry has adopted the following regulations for shipment of vegetable plants into New Jersey.

VEGETABLE PLANTS

Diseased or infested plants deemed nuisance; entry requirement

All vegetable plants shipped into the State of New Jersey must be certified to have been grown under an official certificate program of the state of origin, or to have been inspected and certified to be apparently free of injurious insects, nematodes and plant diseases on the basis of an inspection no more than five days prior to removal from the soil.

An official certificate must accompany all plants certified as prescribed above so stating attached to each included crate, basket or other container.

Any person importing vegetable plants into the State of New Jersey shall notify the Department of Agriculture of such shipment prior to, or with-in twenty-four hours after arrival of the shipment.

TOMATO PLANTS

In order to control the movement into New Jersey of late blight (*Phytophthora infestans*) and of bacterial diseases: bacterial spot (*Xanthomonas campestris* pv. *vesicatoria*), bacterial speck (*Pseudomonas syringae* pv. *tomato*) and bacterial canker (*Clavibacter michiganensis* subsp. *michiganensis*), the following specifications apply to the admission of tomato plants into New Jersey from all states where tomato plants are produced for shipment into New Jersey.

Conditions governing the production of tomato plants to be shipped to New Jersey

Production and packing of greenhouse grown plants shall be on raised benches. Reasonable management attention shall be given to maintaining the proper temperature and humidity, which will minimize conditions favorable to the late blight disease.

All seed shall be tested or treated for bacterial diseases.

From the time the tomato seedlings produce their first pair of true leaves, plants shall be sprayed with antibiotic sprays labeled for use on tomato plants at 4 to 5 day intervals until pulling following a schedule recommended by the state's cooperative extension service, satisfactory to state plant regulatory officials or other official certifying agencies, as appropriate for bacterial disease control.

From the time the tomato seedlings produce their first pair of true leaves, plants shall be sprayed with fungicide sprays (maneb, mancozeb or other labeled equivalent) at 4 to 5 day intervals, unless otherwise directed on the fungicide label, until pulling following a schedule recommended by the state's cooperative extension service, satisfactory to state plant regulatory officials or other official certifying agencies, as appropriate for late blight control.

For purposes of aphid, leafhopper, thrips, white fly, mite and other insect control, pest control measures satisfactory to state plant regulatory officials or other official certifying agencies shall be made.

All tomato transplants that are certified shall be inspected periodically and approved as being apparently free from injurious insects, nematodes, and plant disease. The final inspection shall be made not more than five days prior to pulling.

Transplants packed at point of origin

All tomato transplants brought into New Jersey for dissemination by sale or otherwise must be packed at the point of origin.

Movement into New Jersey of tomato transplants

In order to prevent the movement into New Jersey of diseased, insect-infested or substandard quality tomato plants, the New Jersey State Board of Agriculture has declared such plants to be a nuisance in New Jersey.

All tomato plants shipped into the State of New Jersey shall be certified to have been grown under an official certification program of the state of origin, or to have been inspected and certified to be apparently free from injurious insects, nematodes and plant diseases, based on an inspection no more than five days prior to removal from the soil.

All certified plants shall be accompanied by an official certificate so stating attached to each included crate, basket or other container. Each such package shall also be labeled as to variety and number of transplants per container.

The following standards apply to imported tomato transplants:

The transplants shall be apparently free from injurious insects, nematodes and plant diseases;

- The plant count shall be as stated on the container;
- The transplants shall be free of fruit and excessive bloom;
- The transplants shall be free of noxious weeds;
- The transplants shall be in good physical condition so as to make successful growth of the plants probable in the opinion of the inspecting authority. At least 80 percent of all the tomato plants in each container shall be: Not too soft or hard (over-mature); Not excessively heated; Free from excessive wilting; Free from excessive physical injury by insects, diseases, hail or other factors; Not severely clipped; Free from excessive nutrient deficiencies; Possessed of straight stems; Free from excessive weeds; and Possessed of stem length six to 11 inches from soil line to growing point, with a minimum stem diameter of 3/16 inch. If the inspecting authority is notified of agreement between the plant producer and plant purchaser, plant size standards may be altered.

- Failure to comply with this section shall result in destruction or rejection of all or part of violating tomato transplant shipment into New Jersey.
- Any person importing plants into the State of New Jersey shall notify the the Department of Agriculture of such shipment prior to, or within 24 hours after, arrival of the shipment.
- Complaints or dissatisfaction with shipments shall be received by the inspecting authority, prior to planting, within 24 hours of arrival in New Jersey.

PEPPER PLANTS

In order to control the movement into New Jersey of bacterial spot (*Xanthomonas campestris* pv. *vesicatoria*), the following specifications shall apply for admission of all pepper plants shipped into the State of New Jersey.

Conditions governing the production of pepper plants to be shipped to New Jersey:

All seeds shall be tested or treated for bacterial diseases.

From the time the pepper seedlings produce their first pair of true leaves, plants shall be sprayed with antibiotic sprays labeled for use on pepper plants at four to five day intervals until pulling following a schedule recommended by the state's cooperative extension service, satisfactory to state plant regulatory officials or other official certifying agencies, as appropriate for bacterial disease control.

For purposes of aphid, leafhopper, thrips, white fly, mite and other insect control, pest control measures satisfactory to state plant regulatory officials or other official certifying agencies shall be made.

All pepper transplants that are certified shall be inspected periodically and approved as being apparently free from injurious insects, nematodes, and plant disease. The final inspection shall be made not more that five days prior to pulling.

Transplants packed at point of origin

All pepper transplants brought into New Jersey for dissemination by sale or otherwise shall be packed at the point of origin.

Movement into New Jersey of pepper transplants

In order to prevent the movement into New Jersey of diseased, insect-infested or substandard quality pepper plants, the New Jersey State Board of Agriculture has declared such plants to be a nuisance and prescribes the following conditions for the entry of pepper plants in New Jersey.

All pepper plants shipped into the State of New Jersey shall be certified to have been grown under an official certification program of the state of origin, or to have been inspected and certified program of the free from injurious insects, nematodes and plant disease, based on an inspection no more that five days prior to removal from the soil.

All certified plants certified shall be accompanied by an official certificate, so stating, attached to each included crate, basket or other container. Also, each such package shall be labeled as to variety and number of transplants per container.

The following standards shall apply to imported pepper transplants:

The transplants shall be apparently free from injurious insects, nematodes and plant diseases;

- The plant count as stated on the container;
- The transplants shall not be clipped;
- The transplants shall be free of noxious weeds;
- The transplants shall be in good physical condition so as to make successful growth of the plants probable in the opinion of the inspecting authority. At least 80 per cent of all the pepper plants in each container shall be: Not too soft or hard (over-mature); Not excessively heated; Free from excessive wilting; Free from excessive physical injury by insects, diseases, hail or other factors; Free from excessive weeds; Free from excessive cold injury; Free from excessive nutrient deficiencies; Possessed of straight stems; Free from fruit or excessive bloom; and Possessed of stem length six to 11 inches from soil line to growing point, with a minimum stem diameter of 5/32 inch. If the inspecting authority is notified of agreement between the plant producer and plant purchaser, plant size standards may be altered.
- Failure to comply with this section will result in destruction or rejection of all or part of violating pepper transplant shipments into New Jersey.
- Any person importing plants into the State of New Jersey shall notify the the Department of Agriculture of such shipment prior to, or with-in 24 hours after, arrival of the shipment.
- Complaints or dissatisfaction with shipments must be received by the inspecting authority, prior to planting, within 24 hours of arrival in New Jersey.

Thank you,

Galen E. Ettinger, Jr.

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ATTENTION PLANT NURSERIES AND DEALERS:



The New Jersey Department of Agriculture has added a locator service promoting garden centers and retail nurseries on its "Jersey Grown" website at: <http://www.jerseygrown.nj.gov/>

USEFUL WEB LINKS:

Weed Information

<http://njaes.rutgers.edu/weeds>

Rutgers Publications

<http://njaes.rutgers.edu/pubs>

Plant and Pest Advisory Newsletters

<http://njaes.rutgers.edu/pubs/plantandpestadvisory>

Asian Long Horned Beetle Information

<http://www.state.nj.us/agriculture/alblinks.htm>

U.S. Department of Agriculture, Plant Health

http://www.aphis.usda.gov/plant_health

Emerald Ash Borer Information

<http://na.fs.fed.us/fhp/eab>

Sudden Oak Death Information

<http://ceris.purdue.edu/napis/pests/sod/page1.html>

New Jersey Department of Agriculture Web Page

<http://www.state.nj.us/agriculture/index.html>